REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 2-21 were pending in this application. No claims have been amended, cancelled, or withdrawn. Accordingly, claims 2-21 will be pending herein upon entry of this Amendment. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

Examiner Tran is thanked for the courtesies extended to applicants' representative during the telephone interview conducted April 15, 2005. The substance of the interview is incorporated into the following remarks.

Claims 2-21 have been rejected under U.S.C. 103(a) as being unpatentable over Shostack et al. U.S. Patent No. 6,298,445 (hereinafter '445) in further view of Gooderum et al. U.S. Patent No. 6,219,707 (hereinafter '707). In regard to the preamble of independent claim 2, the Examiner suggests that "A method for preventing process creation of an unauthorized user application executable by an operating system of a computer, comprising" is taught in '445 col. 2, line 60 through col.3, line 6 "In another aspect, the invention relates to a network security detector that is used to monitor intrusions on a network ...and a fifth application responsible for receiving the software enhancements."

The Examiner has not clearly described what she considers to be equivalent between the preamble of claim 2 and '445. As a result, Applicants must make some assumptions. If the Examiner is equating "an unauthorized user application executable" with "security intrusions,"

then she is equating "preventing process creation of" with "monitor," and she is equating

"preventing…by an operating system" with "monitor…on a network." Applicants respectfully

disagree that "preventing process creation of" is equivalent to "monitor," or that

"preventing…by an operating system" is equivalent to "monitor…on a network."

Further, the Examiner says '445 also teaches a "fifth application responsible for receiving

the software enhancements." The "fifth application" is clearly described in '445 as an

application of a network security detector. Thus, the Examiner may also be equating "preventing

process creation of an unauthorized user application executable" with "receiving the software

enhancements." The examiner is then equating "preventing process creation of" with

"receiving" and "an unauthorized user application executable" with "software enhancements."

Again, applicants respectfully disagree and contend that "receiving" is not equivalent to

"preventing process creation of," and "software enhancements" is not equivalent to "an

unauthorized user application executable."

Even combined the Examiner's references from '445 do not equate to the preamble of

claim 2. The action of "preventing process creation of" is not equivalent to the combined action

of "monitoring" and "receiving." In addition, "security intrusion software enhancements" does

not make sense, and even if it did make sense "an unauthorized user application executable" is

not equivalent to "security intrusion software enhancements."

The Examiner then combined claim elements 2 and 4 of claim 2, "intercepting a request

for execution of an application executable by a user using the substitute process creation

function" and "comparing the information to a list of authorized executables for the user using

the user-mode application," and said they are shown in '445 col. 8, lines 9-54, "The push system integrates the software enhancement in to existing programs. Additionally, the integration can also perform a check on the integrity and authenticity of the software enhancement provided. This feature determines whether the user being sent the software enhancement is eligible, and checks the integrity and authenticity of the software enhancement."

The Examiner here also has not clearly described what she considers to be equivalent between the referenced elements 2 and 4 of claim 2 and '445, and Applicants must make some assumptions. If the Examiner is equating "comparing the information to a list of authorized executables for the user" with "determines whether the user being sent the software enhancement is eligible," then "using the user-mode application" is equivalent to "the push system," and "authorized executables" is equivalent to "the software enhancement." Applicants respectfully disagree that "using the user-mode application" is equivalent to "the push system," and "authorized executables" is equivalent to "the software enhancement."

In addition, there appear to be no equivalent phrases to "intercepting a request for execution of an application executable by a user using the substitute process creation function" in the section provided by the Examiner. The action of "intercepting a request for execution of an application executable" is not equivalent to "integrates the software enhancement" or "perform a check on the integrity and authenticity of the software enhancement." Applicants submit that claim 2 elements 2 and 4, "intercepting a request for execution of an application executable by a user using the substitute process creation function" and "comparing the information to a list of

authorized executables for the user using the user-mode application," are not shown in '445 col. 8, lines 9-54.

The Examiner suggests claim element 3 of claim 2, "communicating information about the request from the substitute process creation function to a user-mode application running as a service," is disclosed in '445 col. 7, lines 55-56, "The push system automatically implements and electronically sends computer software enhancements over a computer network when the software enhancement becomes available. The software enhancement can include an update to a computer security vulnerabilities database or a new version of an entire computer security software package."

The Examiner here also has not clearly described what she considers to be equivalent between the referenced element of claim 2 and '445, and Applicants must make some assumptions. If the Examiner is equating "communicating information about the request" with "implements and sends computer software enhancements," then the Examiner is equating "information about the request" with "software enhancements", "the substitute process creation function" with "the push system," and "from the substitute process creation function to a user-mode application running as a service" with "over a network." Applicants respectfully disagree that "information about the request" is equivalent to "software enhancements", "the substitute process creation function" is equivalent to "The push system" and "from the substitute process creation function to a user-mode application running as a service" is equivalent to "over a network."

Further, Applicants point out the Examiner appears to be equating "using the user-mode application" with "the push system" in claim element 4 and "the substitute process creation function" with "the push system" in claim element 3 of claim 2. This is inconsistent.
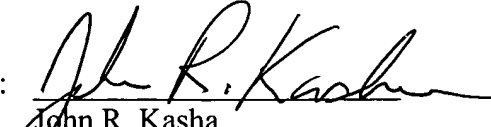
Applicant's respectively submit that claim 2 is not unpatentable over '445 and is allowable. For at least the arguments made above in regard to claim 2, Applicant's also submit that independent claims 15 and 20 are not unpatentable over '445 and are allowable. Since independent claims 2, 15, and 20 are allowable, dependent claims 3-14,16-19, and 21 are also allowable.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Date: April 19, 2005   By: _____
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Attachments:

JRK/src